

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

PATRICK LANG, #1033904

§

VS.

§

CIVIL ACTION NO. 6:10cv81

DIRECTOR, TDCJ-CID

§

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge John D. Love. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case.

Petitioner filed objections to the Report. He objects to the Magistrate Judge's statement that Petitioner asserts physical assault by an offender and by an officer. *Report and Recommendation* at 1. Petitioner states that he asserts physical assault by an offender only, not by an officer.

This Court has made a *de novo* review of Petitioner's objections. A review of Petitioner's hand-written Petition shows that his objection is correct; however, that does not affect the disposition of the case. This Court notes that Petitioner does not assert physical assault by an officer.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

**ORDERS, ADJUDGES, and DECREES** that Petitioner's claims of physical assault and of TDCJ's violation of safety and security procedures are **DISMISSED WITHOUT PREJUDICE** and that the remaining claims are **DISMISSED WITH PREJUDICE**;

**ORDERS** that Petitioner is denied a certificate of appealability; and

**ORDERS** that all motions not previously ruled on are denied.

**So ORDERED and SIGNED this 28th day of June, 2010.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**